

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDLAND POWER COOPERATIVE	DOCKET NO. TF-02-545
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**ORDER APPROVING TARIFF**

(Issued January 31, 2003)

On November 19, 2002, Midland Power Cooperative (Midland) filed with the Utilities Board (Board) a proposed tariff, identified as TF-02-545, that revised Midland's current cogeneration tariff. Gregory Swecker filed an objection to the proposed tariff on December 6, 2002. Midland filed additional material in support of the tariff on or about January 7, 2003.

Midland's proposed tariff is consistent with previous orders of the Board and a ruling of the Hamilton County District Court issued June 18, 2002, in a case captioned Windway Technologies, Inc., Welch Motels, Inc., Gregory Swecker, and Beverly Swecker, vs. Midland Power Cooperative, No. LACV25993. While a portion of the District Court's ruling has been appealed, the tariff complies with the District Court's decision, with the proviso that the tariff would be revised to reflect any future applicable court or administrative decisions.

Mr. Swecker's objections largely relate to matters that have been previously ruled upon by the Board or the Hamilton County District Court in the decision cited

above, a copy of which was attached to Midland's January 7, 2003, filing. Other objections relate to long-standing tariff provisions that are not being revised in the current filing and, therefore, are not before the Board for approval or rejection.

The Board finds that Mr. Swecker's objections have either been previously ruled upon by the Board or the District Court or are without merit because they do not involve portions of the tariff that are being changed. The proposed tariff will be approved.

**IT IS THEREFORE ORDERED:**

Tariff filing TF-02-545 is approved, subject to complaint or investigation.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 31<sup>st</sup> day of January, 2003.